Supreme Court, U.S.
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NO. _____

IN THE
SUPREME COURT OF THE UNITED STATES
October Term 2002

LEOPOLDO LEAL

AS THE EXECUTOR OF THE ESTATE
OF HIS MOTHER,the late
MRS. MAURICIA B, LEAL

Petitioner

versus

SUN EXPLORATION AND PRODUCTION
COMPANY, ORYX ENERGY COMPANY,
AND AFFILIATES

Respondents

APPEAL TO THE SUPREME COURT
OF THE UNITED STATES
Judgement from the UNITED STATES COURT OF APPEALS
FOR THE FIFTH JUDICIAL CIRCUIT

LEOPOLDO LEAL Petitioner
6842 CR 48
Robstown, Texas 78380

31pp

QUESTIONS PRESENTED

1.Is it constitutional for an Oil conglumarate to import a terrorist from another country, and have said terrorist go to a state court, and invade a birthright inheritance of an American citizen who is protected by the United States Constitution and the Gadsden and the Treaty of Guadalupe Hidalgo, as to the civil and human rights of a citizen, and the right to own property; and at state court, have the Oil conglumarate, *the respondant,* sue for partition of the lands in question, and in secrecy, award title to said lands to the mentioned terrorist, by the partition action in state court, thus robbing the citizen of her birthright inheritance?

2. Does a state court have the authority and jurisdiction to void the only prima facie title to said lands, the Texas Land Patents, rightfully reserved for the ownership of the American citizen and her heirs?

3. Can the rights and protection contained within the Treaties involved, which have been ratified by Congress, be struck down by the courts of the lands, whether such courts be state or federal?

4. Is it constitutional for the courts to deny due process and the equal protection of the laws to the American citizen, while protecting the unlawful conduct of the respondent and the imported terrorist with a violent criminal record, which included murder?

5. Can the respondent prevail in this cause, inspite of the fact that it defaulted in answering the complaint for damages in the 20day period, as specified in the Federal Rules of Civil Procedure, and in answering the appeal within the 30day period, as specified in the Federal Rules of Appellate Procedure,and never produced discovery or disclosure of documents?

6. Is it within the guidelines of ethical conduct for the federal district court to cancel a scheduled jury trial after it has acquired knowledge that the defendant cannot prevail at trial, based on the preponderance of the evidence against the defendant?
7. Is it ethical for the Fifth Circuit Court to follow the whim of the lower court, and not as much as schedule a hearing to allow the plaintiff his day in court?

LIST OF PARTIES

The parties of this appeal are as follows:
The petitioner is Leopoldo Leal, whose name and address appears on the front of this Appeal.

The respondents are as follows: The respondents are Sun Exploration and Production Company, Oryx Energy Company, and Affiliates. The respondents are represented by the Haynes and Boone, L.L.P.
lead counsel, Attorney Michael Mazzone, 1000 Louisiana Street, Suite 4300, Houston, Texas 77002-5012

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No._____

In The
SUPREME COURT OF THE UNITED STATES

LEOPOLDO LEAL
As the Executor of the Estate of his Mother,
The late, Mrs. Mauricia B. Leal

Petitioner

v.

SUN EXPLORATION AND PRODUCTION
COMPANY, ORYX ENERGY COMPANY
AND AFFILIATES

Respondents

APPEAL TO THE UNITED STATES
SUPREME COURT *From the* FIFTH
JUDICIAL DISTRICT

To the Honorable, the Chief Justice and Associate Justices of the Supreme Court of the United States.

The petitioner respectfully comes before the Superior Court, as described in the United States Constitution, petitioning this Honorable Court to review, and strike down the judgements of the two lower courts, whose conduct is not within the Constitutional guidelines of conduct, as it pertains to protecting and defending the Constitution of the United States, its treaties, and its citizens.

While it is a fact that the law enforcement authorities should be enforcing the statutes that protects the petitioner from the unlawful conduct of the respondents, based on their traitorous acts against the American citizen and his country, the element of bigotry and racial bias has played a role in the judgements of the lower courts and the said judgements reflect a spirit of defiance to the United States Constitution , in regards to the rights of the American citizen.

The petitioner submits that this cause is reviewable by this Honorable Court pursuant to the Constitutional provisions under Article 111, Section 1, and Section 2 of Article 111, and

Amendment 14, which protects the basic rights of the petitioner, those of "due process" and "equal protection of the laws". The statutes that protect the rights of the petitioner are mandatory, and while the lower court has no regard for the Constitutional rights of the petitioner, said court has no authority or jurisdiction to cancel and/or void the protection of the United States Constitution and its guarantees to the petitioner.

The petitioner requests this Honorable Court to strike down the dismissal orders from the lower courts, and to declare unconstitutional the focus of this present cause, the partitioning of the lands in dispute, wherein a foreign terrorist imported by the respondent, was awarded title to lands that were the birthright inheritance of the petitioner, and in the process of its unlawful conduct, the respondent violated and desecrated the birthright inheritance of the petitioner that was protected by the Treaty of Guadalupe Hidalgo, and the Gadsden Treaty, which guaranteed the citizen the rights of a property owner. There is no room for foreigners to cross over to the United States to claim lands based on the laws of inheritance. The whole action of partition by the respondent is unlawful and unconstitutional and unamerican.

OPINIONS BELOW

The judgement of the court of appeals, Fifth Circuit, is to affirm the untimely dismissal by the district court. Said affirmation was filed on the 25th of April, 2002.

The opinion of the two courts is that the petitioner is unintelligable, and therefore the case is dismissed.

When the district court became aware that the respondent would not prevail at the scheduled jury trial, based on the preponderance of the evidence shown by the petitioner at a pre-trial hearing against the respondent, the said court compromised its integrity and dismissed the case after the respondent, defaulted by refusing to answer the complaint for damages and to provide discovery. Such conduct by the court shows that the court was reached by the respondent.

JURISDICTION

The jurisdiction of this Honorable Court is

invoked under Article 111, Section 1.----The judicial power of the United States, shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the Supreme Court and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services, a compensation, which shall not be diminished during their continuance in office. Section 2.---- The judicial power shall extend to all cases, in law and equity, arising under the Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, or other public ministers and consuls;-to all cases of admiralty and maritime jurisdiction;- to controversies between two or more states; (between a state and citizens of another state;) between citizens of different states;-between citizens of the same state claiming lands under grants of different states, and between a state , or citizen thereof, and foreign states, (citizens or subjects).

Further jurisdiction is invoked under Amendment 14, Section 1 and 5, which address the civil rights of the petitioner; -------those of due process and equal protection of the laws.

STATUTES INVOLVED

This case involves the scope and meaning of the United States Judiciary and Judicial Code, Title 28.

The proceedings arise under the Constitution, laws and treaties of the United States, Ramada Inns, Inc. v. Rosemount Memorial Park ass'n, C.A.N.J. 1979, 598 F. 2d 1303.

The Treaty of Guadalupe Hidalgo, and the Gadsden Treaty prohibitted Mexicans to come after the said treaties were ratified by Congress, into the United States of America, to claim lands, based on the laws of inheritance.

To import a terrorist to injure the American citizen, and to attempt sedition in the process to attempt to overthrow the American government is treason. At the time frame of the controversial partition action in state court, the petroleum entity was owned by the Pew family from the State of Pennsylvania. Said family was of German descent who sympathized with the Axis Alliance. In an attempt to entice the Republic of Mexico to join said alliance, the lands in this dispute were handed over to a Mexican citizen, to show that all of the Southwest would be returned to Mexico, if it would side with

Germany, and thus the enormous fraud was brought about.

EFFECT FRAUD IS VOIDABLE AND JUDICIALLY CANCELLED.

An operator who enters upon land of another without authority and in bad faith----------is liable to the true owner for the value at the surface, the oil and gas produced, that is, without credit for drilling and expenses.

A land patent is the highest evidence of title, Wright v. Roseberry, 121 US 488, 30 L Ed 1039, 7 S Ct 985; Irvin v. Irvin, 76 US 617, 19 L Ed 800; State v.Valmont Plantations (Tex Civ App 4th Dist) 346 SW2d 853, affd 163 Tex 381, 355 SW2d 502, and gives him legal seisen, Peyton v. Stith, 30 US 485, 8 L Ed 200; It is variously characterized as "unassailable," Sanford v. Sanford,139 US 642, 35 L Ed 290, 11 S Ct 666., as conclusive evidence of legal title, Gibson v. Chouteau, 80 US 92, 20 L Ed 534;, and at least ***"prima facie valid in actions at law"***, Johnson v. Drew, 34 Fla 130, 15 So 780, affd 171 US 93, 43 L Ed 88,18 S Ct 800. It is a prima facie valid, and the burden of proving its invalidity is on the one attacking it, State v. Crawford,13 Ariz app 225, 475 P2d 515.

There is a settled presumption that a patent is valid and passes the legal title,United States v. Marshall Silver Mining, 129 US 579, 32 L Ed 734,

9 S Ct 343. As a deed, its operation is that of a quitclaim, or rather of a conveyance of such interest as the United States possessed in the land, Wilson Cypress Co. v. Del Pozo y Marcos, 236, 59mL Ed 758, 35bS Ct 446.

The description in a patent is exclusive evidence of the land conveyed, Ames v. Irvine Co. (4th Dist) 246 Cal App 2d 832, 55 Cal Rptr 180, cert den 388 US 910, 18 L Ed 2d 1348, 87 S Ct 2115.

The holder of a legal title in bad faith must always yield to a superior equity resting in one who acquired a prior right from the United States in force when his purchase was made under which his patent was issued, Widdicombe v. Childers, 124 US 400, 31 L Ed 427, 8 S Ct 517.

Thus where one obtains a patent for land from the United States through fraud or concealment, A COURT OF EQUITY will regard him as a trustee for those who are equitably entitled to the land, Daniels v. Johnson, 237 US 568, 59 L Ed 1110, 35 S Ct 748, and will compel him to convey the legal title to the true owner, Monroe Cattle Co. v. Becker, 147 US 47, 37 L Ed 72, 13 S Ct 217.

The United States has the same remedy in a court of equity to set aside or annul a patent

for land, on the ground of fraud in procuring its issue, as an individual would have in regard to his own deed procured under similar circumstances, United States v. Miner, 114 US 233, 29 L Ed 110 5 S Ct 836.

An instrument, even though recorded may be improperly executed or acknowledged and therefore inadmissable in evidence, notwithstanding the fact that it may have constituted an effective conveyance as between parties. A marketable title requires that such instrument in the chain of title be so executed andacknowledged as to be introduced in evidence.

STATEMENT OF THE CASE

The United States Court of Appeals(Fifth Circuit) and the lower district court, have denied the petitioner his constitutional rights, as guaranteed by the United States Constitution and the treaties that protect the rights of the American citizen.

The issue is fraud and conspiracy by the respondent, who has violated all the Federal Rules of Civil Procedure in refusing to answer the original complaint for damages, and in refusing to adhere to the Federal Rules of Appellate Procedure, by not addressing the appeal in the Fifth Circuit Court within the 30day period, and in totally ignoring the focal point of this cause, namely their

unlawful conduct in the procuring of the lands through unconstitutional means, and thus depriving the petitioner of his birthright inheritance, as guaranteed by the United States Constitution and its treaties herein mentioned in this appeal before this Honorable Court.

On September 13, 1988, Mrs. Mauricia B. Leal, having given full General Power of Attorney to her son, the petitioner, [said instrument is filed in the Nueces County Courthouse, in Corpus Christi, Texas].

The petitioner, speaking in her behalf, and in her stead, showed to the State of Texas, and the Office of the Texas Attorney General,, through the state agency that has the jurisdiction to resolve controversies such as this, the Texas Railroad Commission, absolute proof, based, as the law requires, on legal instruments, from the courts and from the church, ----Her lawful claims to ownership of all the Longoria porciones, located in Starr County, Texas.

The late Mrs. Mauricia B. Leal, now deceased, as she answered the Call of her Maker on October 27th, 1989, charged that the respondent was a *bad faith trespasser*, and had no lawful rights to her lands, as the Oil entity had utilized unlawful and unconstitutional means to obtain entry and exploit her birthright inheritance. She further claimed that all the oil, gas, and other minerals, were hers, including all real property,

and laid claim to the only prima facie titles to the disputed lands, the Texas Land Patent, and the Spanish Land Grants.

The Texas Railroad Commission ordered the respondent to respond and explain what rights it had to be operating in the disputed lands at issue.

A copy of the response was sent to the petitioner wherein the respondent stated that the partition that it financed, resulted in the title being awarded to a foreign alien , thus displacing all American citizens from their birthright inheritance.

The grantee of the partition title was an individual originally from Monterrey, Mexico, with a notorious criminal background, which included the murder of an unarmed crippled man fron Rio Grande City, Texas, and the murder of the Mexican Chief of Police from the State of Nuevo Leon, Mexico. The murdered General was General Heron Ramirez, a Mexican national hero.

The grantee, named Esteban Garcia had trouble with the law on both sides of the border, yet the respondent saw fit to use him to rob the Americans of their birthright.

Terrorism was the tool employed by the respondent to rid the heirs to the land patent from their birthright inheritance.

The petitioner owns a copy of the death certificate of this one Esteban Garcia. It shows that Mr. Garcia died in 1988, and is buried in Camargo, Tamaulipas, Mexico. Mr. Garcia was born in Mexico and died a Mexican citizen, and is buried in Mexico.

His descendants, have gone to court and have claimed that they own the Padre Island National Seashore, and soon, they will claim all of South Texas, eventhough they entered the United States as illegal aliens, and because of the unlawful conduct of the respondent. As for Mr. Garcia, he had free reign to heap terror and havoc on the unfortunate, because the Attorneys for the respondent defended his criminal conduct, if he went to court.

REASONS FOR OVERTURNING THE JUDGEMENT OF THE LOWER COURT

It is unconstitutional to allow the respondent to operate unlawfully on lands that have been stolen from the American citizen

The respondent did not adhere to the Federal Rules Of Civil Procedure at the district court, and construed a fabrication that the petitioner had granted waiver of summons, which was an act for which severe sanctions should have been levied on the counsel, and then, refused to answer the original

complaint for damages. The respondent refused to produce discovery, and did not allow for interrogatories, and the respondent carried an ex-parte line of communication with the court. The here mentioned is unethical conduct by the respondent and the district court, which bent backwards to assist the respondent, while threatening the petitioner with sanctions. The conduct of both the court and the respondent became a cover-up conspiracy that resulted in the denying the petitioner due process, and equal protection of the laws.

At the appeal court, it was a repetition, as the respondent did not file an answer to the appeal within the 30day period, and again the constitutional rights of the petitioner were trampled upon by a biased court who would not even schedule a hearing to examine the cause, but instead followed the whim and pleasure of the district court.

Had it been a fact that the petitioner is an embecile, the question arises, as to why did the court schedule a jury trial? The answer is that the courts have conspired to deny the petitioner his constitutional rights, by claiming that the case was disposed of properly. The facts stand, that the respondent has committed a horrible crime, and the lower courts have let them get away with it. This is not in the Spirit of the United States Constitution.

CONCLUSION

Petitioner seeks Injunctive and Declarative relief, his costs of Courts, prejudgement interest, and post judgement interest. The Petitioner seeks mandamus relief as specified:

Petitioner petitions the Superior Court of the land; that this case be docketted, and that a hearing be held, and that, following said hearing, Petitioner be awarded the following damages:
1. Under 42 U.S.C. 1981, 1982, 1983, and 1988: (a) Actual damages in lost profits in the amount of $50,000,000,000.00.
(The respondent has profitted from the lands in dispute in the hundreds of billions of dollars.)
(b) Pre judgement interest;
(c) costs of Court;
(d) injunctive relief
(e) a writ of mandamus styled in writ is included replevin of the lands at issue to the Estate of the late Mrs. Mauricia B. Leal, and the MAURICIA B. LEAL MEMORIAL FOUNDATION, to be set up as a charitable

non-profit corporation for the benefit of humanity.

The petitioner comes before this Honorable Court, and files his appeal, and petitions the Court to assume the role of a Court of Equity, and to strike down the unlawful partition of the lands at issue, and to grant writ for replevin of said lands, and to remedy the injury inflicted by the respondent, and award damages as specified in the original complaint for damages, filed in district court. The petitioner further petitions the Court to impose sanctions on counsel for the respondent for its unlawful conduct in the court proceedings throughout the course of this court action.

Respectfully Submitted,

Leopoldo Leal

Leopoldo Leal
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Robstown, Texas
78380
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UNITED STATES COURT OF APPEALS
For the Fifth Circuit

No.01-41426
SUMMARY CALENDER

LEOPOLDO LEAL, as the executor of the estate of his mother, the late Mrs. Mauricia B.Leal
Plaintiff-Appellant

VERSUS

SUN EXPLORATION AND PRODUCTION COMPANY, ORYX ENERGY COMPANY,and Affiliates; KERR-MCGEE CORPORATION, Successor by Merger of Oryx Energy Company formerly known as Sun Exploration and Production Company
Defendants-Appellees

Appeal from the United States District Court
For the Southern District of Texas
C-01-CV-230

Before DAVIS, BENAVIDES AND CLEMENT,
Circuit Judges,

PER CURIAM;

We affirm the judgement of the district court essentially for thereasons stated in itsNovember 23, 2001 order.

AFFIRMED.

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

LEOPOLDO LEAL, As Executor
to the Estate of his Mother,
Mauricia B. Leal

Plaintiff, CIVIL ACTION NO. C-01-230

vs.

SUN EXPLORATION AND PRODUCTION
COMPANY, ORYX ENERGY COMPANY,
AND AFFILIATES

Defendants

ORDER DISMISSING CASE

On this day came to be considered Plaintiff Leopoldo Leal's (the "Plaintiff") claims in the above styled action. Upon reviewing the Complaint, Motions, and transcript of the Initial Pretrial Conference held before the Honorable B. Janice Ellington on August 15, 2-001, the Court FINDS it must DISMISS the action

for the reasons stated herein.

Plaintiff filed the instant lawsuit in the United States District Court for the Southern District of Texas, Corpus Christi Division, on May 18, 2001. On October 29, 2001, the case was transferred to this Court from the docket of the Honorable Hayden W. Head, Jr. Though this Court recognizes that plaintiff is *pro se* and, therefore, has given Plaintiff the benefit of the doubt at every turn and indulged every inference in favor of the Plaintiff, the Court comes to the inescapable conclusion that Plaintiff's claims and allegations are unintelligible. Further, even if the Court were to find that plaintiff had asserted an intelligible claim, that claim would be barred by res judicata.

1. UNINTELLIGIBILITY OF PLAINTIFF'S CLAIM

At the initial Pretrial Conference, the magistrate tried laboriously to get Plaintiff to explain his case and clarify his causes of action. This Plaintiff was unable or unwilling to do. Instead, Plaintiff asserted fanciful and virtually unintelligle claims lacking any kind of support. For example, when asked to explain what claims he was raising other than claims he had already raised in an earlier 1988 claim with the Texas Railroad Commission, Mr. Leal stated:

.....I claim that a foreign alien had come into this country and taken the inheritance of these American citizens, my inheritance, and turned over title to oil conglomerates, an alien who had no rights, based especially on his criminal background,

a man who could not vote, could not apply for citizenship, that these partitions were obtained by the defendant through fraud and concealment, and that this Mexican citizen--everything appears legitimate? They used a Mexican alien,*

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*This "Mexican illegal alien" was apparently one Esteban Garcia, a man allegedly brought to the United States from Mexico to further Defendant's scheme. (PL's Amended Compl. pp 7-9.). plaintiff explains: ,the "state court [in a partition action in the 92nd State District Court between 1936 and 1941] partitioned the lands asnd awarded title to Mexican criminal who had murdered the Mexican Chief of Police, a national hero to whom a street is named after in Reynosa, Mexico, General Heron Ramirez....(Pl's. Response in Opposition to Defendant's Motion for Summary Judgement p. 5.) Mr. Garcia also apparently murdered "an unarmed crippled man named Santos Rivera in Rio Grande City, Texas" in 1923, though it is unclear whether that fact has anything to do with Plaintiff's claims. (Pl. Amended Compl. p. 7.) they brought him from Monterrey, Mexico, him and his mom, mother, to come to Texas and claim that they owned South Texas, and that the American citizen, native American citizen who was protected by the United States Constitution, the Texas Constitution, the Texas land patent,and the Spanish land grant. The Spanish land grant was issued to residents who were residing north of the Rio Grande

back then 300 years or whatever, and not for people who were in what is now Mexico. We cannot go over there and claim their lands, because they'll shoot us, but neither can they also come across the river, as the defendant claimed, and come over here and dispossess the American citizen from his or her inheritance.(Transcript, Initial Pretrial Conference, 25:18-25, 26: 1-13.) From Defendant's Motion for Summary Judgement based on the various Statutes of Limitation issues, Defendant explains what it believes to be the issue: Plaintiff asserts title to three porciones in Starr County, Texas, based upon Spanish land grants and Texas land patents from the 1700's and 1800's claiming that Defendants fraudulently obtained land in partition actions in a time period between 1936 and 1941, (Def's Motion for Summary Judgement p. 3.) it is settled that "(i)t is the litigant's role to present their case to court, not vice versa." Carpenter v. Vaughn 888 F. Supp. 635, 648 (M.D.. Pa.. 1994). Moreover, when a party presents an issue in opaque terms, it is not necessary for the Court to address that issue. See Enplanar v. Marsh, 11 F. 3d 1284. 1297 (5th Cir.), *cert. denied,* 11 s.Ct. 312 (1994).Plaintiff has not met these basdeline requirements for bringing (and sustaining) a lawsuit in this Court.

II. RES JUDICATA

Furthermore, as indicated, *infra,* even assuming, *arguando,* that Plaintiff had asserted intelligible claims, they would be completedly barred by res judicata, as Plaintiff has brought identical claims against *the same* Defendant in an earlier case

that .was filed in the Southern District of Texas and those claims were dismissed. In order for res judicata to apply: (1) the parties must be the same in both suits; (2) the prior judgement must have been rendered by a court of competent jurisdiction. ; (3) there must be a final judgement on the merits.; and (4) the same cause of action must be involved in both cases. See United States v. Parsons, Brinkerhoff, Quade & Douglas, Inc. 860 F.Supp, 370 (S.D. Tex. 1994). Dismissal with prejudice at any stage of a judicial proceeding normally constitutes a final judgement on the merits which bars later suit on the same action. See Baris v. Sulpicio Lines, Inc., 74 F. 3d 567 (5th Cir. 1996); Astron Indus. Ass'n v. Chrysler Motors Corp., 405 F. 2d 958. 960 (5th Cir. 1968).

On August 1, 1990, Plaintiff filed a Complaint in the United States District Court for the Southern District of Texas, McAllen Division, Cause Number M-90-145 against Sun Oil Company, Oryx Energy Company, the State of Texas, the 92nd Judicial District, and Other Unknown Persons. A true

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.2. In the 1990, Plaintiffs included "Rev. Leopoldo Leal, individually and as attorney in fact for Adelmira Rios, Rev. Santana Leal, Amparo McGuire, Adelfa Hernandez, Rev. Onofre Leal, Rev. Jose Leal, and Rev. Oscar Leal, as (*) executor to the estate of his mother, Mauricia B. Leal.

[(*) This statement by the Federal District Judge Janis Graham Jack is an outright lie, and sanctions should be imposed on the judge for her prejudicial intentional misconduct.].

and correct copy of that Complaint is attached as Tab. A. On October 14, 1991, the Honorable Ricardo H. Hinojosa granted Motions to Dismiss filed by Defendant 92nd Judicial District Court, Defendant the State of Texas, and Defendant Oryx Energy Company on behalf of Sun Oil Company. A true and correct copy of the Order of Dismissal is attached as Tab B. Such dismissals are assumed to have been with prejudice unless otherwise indicated. See e.g., Taylor v. U.S. Treasury Dept. 127 F. 3d 478 n. 8 (5th Cir. 1997) citing 2 JAMES WM, MOORE ET AL., MOORE'S FEDERAL PRACTICE 12.34 [6] [a] (3d ed. 1997) ("A dismissal for failure to state a claim... [is] presumed to be with prejudice..."); see also Fernandez - Montes v. Allied Pilots Ass'n, 987 F. 2d 278. 284 n. 8 (5th Cir 1993) (" I)t is well established that a dismissal is presumed to be with prejudice unless the order explicitly states otherwise." (citing Federated Dep't Stores, Inc. v.Moitie, 452 U.S. 394, 399 n. 3, 101 S. Ct. 2424 ., 2428 n 3, 69 L. Ed. 2d 103 (1981); Weissinger v. United States,423 F. 2d 795, 798 n. 4 (5th Cir. 1970) (en banc); Lambert v. Conrad, 536 F. 2d 1183 (7th Cir. 1976) Moreover. the corporate Defendants'

Motion to Dismiss in that case was based upon a claim that Plaintiff's causes of action were barred by applicable statutes of limitations, the same claim made by Defendant in the instant case regarding the same allegations by Plaintiff Leal. Plaintiff may not engaga in a year-long forum shopping expedition throughout the Southern District.

For the foregoing reasons, the Court ORDERS that Plaintiff's Complaint be DISMISSED.

SIGNED and ENTERRED this 20th of November, 2001.

JANIS GRAHAM JACK
UNITED STATES DISTRICT JUDGE

I PETITIONER'S RESPONSE TO THE DISTRICT'S COURT'S ORDER FOR DISMISSAL OF CASE

The allegation by the district judge is not founded on facts, and her zeal to dismiss the suit shows her prejudice towards the petitioner. It needs to be understood that this judge had never taken any participation in any of the court proceedings, nor had she ever called for a hearing and/or conference with the plaintiff to familiarize herself with the issues at hand.

Her allegations in the dismissal order are not true. Said allegations are nonsense, a foolish assumption, an intentional untruth to circumvent the rights of the plaintiff.

The present cause is based on the interests of the late Mrs. Mauricia B. Leal, and such suit had never been filed in any court of the land prior to the filing of the present suit. *Previously, the defendant did make a settlement in the form of a substantial bribe to the counsel for the class action court action herein mentioned mentioned by the judge, in which case was dismissed by a district judge who had a conflict of interest, and who was directly profitting from the defendant's partition*

action of the lands at issue.

No judicial processing was ever taken on that suit, since judge Hinojosa took pains to kill the suit. The pretending that that court processed the case was for sake of the res judicata argument, that is, to deny the Constitutional process by the injured party. That mentioned case never had anything to do with Mrs. Mauricia B. Leal, and in fact, it was the scheme of the interested parties who were profitting from the partition, who utilized the counsel for the plaintiffs to have them take a court action in an effort to later obtain a quiet title to the lands at issue. Judge Hinojosa was part of that conspiracy. The said judge docketted the case, had the counsels for the plaintiffs bribed, and then , threw out the case. The thus mentioned is a criminal conspiracy in itself.

No judicial process was ever exercised in the case, and the judge never granted the motion for specific findings to ascertain for the purpose to appeal. Maybe things are done in this manner in the courts of Mexico, but in the United States of America, it is unconstitutional and unlawful, and sanctions and impeachment may be warranted.

Literally, that case never went to court. To make such an irresponsible claim is unamerican, and violates the

United States Constitution; on due process, and equal protection of the laws. the name of Mrs. Mauricia B. Leal never appeared in the caption of the mentioned suit, and to compare her claims in the instant suit to that suit is a fraud.

The whole crux of this court action, rests on the conduct of the district judge, who irresponsibly took an action, disregarding ethical conduct guidelines, and without any intelligible reasoning, committed the grievious ERROR of granting the untimely dismissal of the suit. The court became aware that the preponderance of the evidence was against the defendant, so based on the element of misconduct, the judge committed an unintelligible act after it had been reached by the defendant, and threw the suit out to protect the defendant from a jury verdict.

The district judge claims it cannot understand the claims of the petitioner, yet with scissor sharp precision, she tears through the suit. Her reasoning is what is unintelligible.

THE PETITIONER, recognizing that each appeal presented to the Supreme Court of the land, has its unique characteristics, and assuming that each Justice of the said Court has a moral and a spiritual love and

obligation to protect and defend the United States Constitution, its treaties,and the rights of its citizens, out of necessity, herein responds to the aforementioned order.

1. The district judge had never taken an active role in the processing of the court action, prior to her untimely dismissal. The said judge had ample time and opportunity to call for a hearing, and/or conference, to inquire of the mentioned case in which she brings into the scenario the case in the district court of judge Hinojosa. The now petitioner had a constitutional right to defend himself against the unfounded allegations that the instant case was the same as the prior case.

2. The said judge had an obligation to investigate the ex-parte information from the defendant, as to the alledged res judicata, wherein it would have been brought to light as an established fact, that no effective judicial processing of the prior cause ever occurred, because of the unethical conduct of the district judge's conflict of interest, and the business dealings between judge and defendant, as pertaining to the lands at issue. It also would have been revealed, that the then defendant paid an enormous bribe to the plaintiff's counsel, so that the case would not be appeal. *This established facts show that the now petitioner has a constitutional right to file this separate and different court action, based on*

the rights and claims of the late Mrs. Mauricia B. Leal. The petitioner never attempted to hide from the prior suit, which did not contain the claims of the petitioner's mother, and even such, based on the criminal conspiracy of the McAllen judge, and the defendant's Attorneys, and the bribed counsel for the plaintiff, the petitioner now has the guarantees of the United States Constitution and the involved treaties, to finally come before the Superior Court of the land, and ask the Honorable Court for justice in this matter.

3. The parties who claim ownership of the disputed lands are now identified as (Mexican Americans) and their claims are based on the Sun Oil financed court partitioning of said lands, and the said judge Hinojosa is part of that party. It would have constituted a monetary loss for said judge to strike down the unconstitutional partition order, for reasons stated. It is an established fact, that a common hatred and jealosy exists between the Mexican Americans who came from Mexico, towards the native born Spanish American citizen who owns the inheritance rights to the lands herein mentioned.

4. A realistic manner to describe the treatment which the now petitioner endured in the courts for the Southern District, Corpus Christi Division, was that though the suit

was scheduled for trial, it became a practice of the judges to toy with the plaintiff, and bounce him from court to court, and to attempt to intimidate the plaintiff with threats of sanctions, so that the plaintiff would abandon the case. The defendant defaulted in the answering the complaint within the twenty day period, as specified by the Federal Rules of Civil Procedure, yet the court ignored the request and entry for default in favor of the plaintiff. Instead, it attempted to terrorize the plaintiff into abandoning the suit. The whole matter was a criminal conspiracy against the plaintiff.

The court warrants sanctions for their unethical misconduct.

Respectfully Submitted,

Leopoldo Leal

Leopoldo Leal
Petitioner

F.